

REMARKS

The Examiner issued a Restriction Requirement identifying the following groups of claims as being drawn to potentially distinct inventions:

- Group I. Claims 1-14, drawn to an assay device, classified in class 435, subclass 287.2;
- Group II. Claims 15-20, drawn to methods for making an assay device, classified in class 435, subclass 4; and
- Group III. Claims 21-27, drawn to a method of using a microplate, classified in class 436, subclass 518.

Applicant hereby elects Group I, claims 1-14 with traverse. Group II and III Claims 15-27 are withdrawn from further consideration.

Withdrawal of non-elected claims are reflected on page 2.

Applicant's reply includes (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention, as indicated above.

Applicants respectfully traverse the Examiner's Restriction Requirement on the grounds that the proposed inventions are inextricably intertwined, and prosecution of the proposed groups of claims I, II, and III together would be most effective for the Office. In order to conduct a comprehensive search regarding any one of the groups, including the group provisionally elected above, it would be inherently necessary to review the same pertinent fields and classes of prior art relating to the other groups. Moreover, the important questions of patentability and claim interpretation are likely to be based on substantially similar issues and evaluations for each group of claims, and would require consideration of the same prior art, and combined prosecution is therefore less likely to result in inconsistent or conflicting file histories.

In the event that Examiner disagrees, Applicant respectfully reserves the option of rejoinder of the non-elected method claims if product claims are found allowable.

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Applicants believe that no extension of time is necessary to make this Response timely. Should Applicant be in error, Applicant respectfully request the Office grant such time extension pursuant to 37 C.F.R. § 1.136(a) as necessary to make this Response timely, and hereby authorizes the Office to charge any necessary fee or surcharge with respect to said time extension to the deposit account of the undersigned firm of attorneys, Deposit Account 03-3325.

Please direct any questions or comments to John L. Haack at (607) 974-3673.

Respectfully submitted,

CORNING INCORPORATED

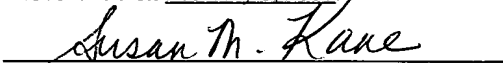
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CERTIFICATE OF MAILING UNDER 37

C.F.R. § 1.8: I hereby certify that this paper and any papers referred to herein are being deposited with the U.S. Postal Service, as first class mail, postage prepaid, addressed to Commissioner of Patents, Alexandria, VA 22313-1450 on February 8, 2007.


Susan M. Kane